

COMSCINST 12792.2B	COG CODE N1	DATE 26 NOV 1996
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DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
WASHINGTON NAVY YARD BLDG 210
901 M STREET SE
WASHINGTON DC 20398-5540

COMSCINST 12792.2B
N1
26 November 1996

COMSC INSTRUCTION 12792.2B

Subj: DRUG-FREE WORKPLACE PROGRAM (*DFWP*)

Encl: (1) Summary of DFWP
(2) OPNAVINST 5355.4

1. Purpose. To prescribe Military Sealift Command (*MSC*) procedures necessary to implement the requirements of the DFWP.
2. Cancellation. COMSCINST 12792.2A. Enclosure (2) of the cancelled instruction remains effective and should be attached to this revision as enclosure (2).
3. Background. The basic requirements for a Federal drug-free workplace were established by Executive Order 12564 and Public Law 100-71. Enclosure (1) provides a summary of the DFWP. Within organizations under the Chief of Naval Operations, the DFWP will be standardized to the greatest degree possible by following the guidance in enclosure (2). This instruction establishes procedures and authorities for implementation of MSC civilian DFWP in accordance with enclosure (2).
4. Applicability. This instruction applies to all MSC Headquarters personnel who receive personnel management services from the Human Resources Office-Washington (*HRO-W*).
5. Action
 - a. The Drug Program Coordinator (*DPC*) and Alternative Drug Program Coordinator (*ADPC*) for MSC Headquarters is the Director, Employment and Labor Relations Division (N12) and an N12 staff member.
 - b. Employees not in a Testing Designated Position (*TDP*) may volunteer to be included in the random testing program by submitting a written request to the DPC. A written acknowledgment as prescribed in Appendix G of enclosure (2) will be returned to such voluntary applicants.

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c. Division Directors and above are authorized to request reasonable suspicion testing in accordance with Chapter IV of enclosure (2). Requests for reasonable suspicion testing will be documented as prescribed in enclosure (2). Further, reasonable suspicion testing will follow prescribed procedures in enclosure (2), including issuance of a specific notice to the employee. Reasonable suspicion testing must be approved by a level no lower than Program Manager/Director/Special Assistant or their designees.

d. Individuals tentatively selected for positions identified as TDPs who test positive for illegal drugs will be barred from placement consideration of any kind for all positions served by HRO-W for a period of 6 months from the date of the positive drug test. Records of positive results will be maintained by the DPC/ADPC. HRO-W must obtain a written authorization from the DPC as prescribed in enclosure (2) prior to making a final offer of employment.

/S/

C. R. BURCHELL
Deputy Commander

Distribution:

COMSCINST 5000.19

List I (*Case A, B, C*)

SUMMARY OF DFWP

1. The Federal Drug-Free Workplace Program (*DFWP*) was established by Executive Order (*EO*) 12564 of 15 September 1986. The EO prescribed policy against the use of illegal drugs by Federal civilian employees on and off-duty. Additionally, it prescribed drug urinalysis testing and set forth certain other requirements.
2. In accordance with the EO and subsequently issued DON policy and procedures, there will be six kinds of drug urinalysis testing, i.e., applicant, reasonable suspicion, random, voluntary, accident/unsafe practice and follow-up. All civilian employees are subject to reasonable suspicion. Employees in Testing Designated Positions (*TDP*) are subject to random, reasonable suspicion and applicant testing. Primarily, within MSC, employees who are required to have Top Secret with access clearance are in TDPs. Employees not in TDPs may volunteer for random testing and become part of the TDP pool. Under certain conditions, employees who have completed a counseling/rehabilitation program are subject to follow-up testing. Detailed information on TDPs is contained in enclosure (2), Chapter III. Detailed procedures for the six kinds of testing are contained in enclosure (2), Chapter IV.
3. The Department of the Navy will test employees and tentative selectees for TDPs for the following drugs, classes of drugs and/or their metabolites: cocaine, cannabis (*marijuana*), amphetamines, opiates, phencyclidine (*PCP*) and any other drug(s) subsequently approved by Department of Health and Human Services for testing.
4. Except in cases of reasonable suspicion and follow-up testing, employees will be allowed to provide their urine samples without direct observation. Detailed requirements and procedures are contained in enclosure (2), Chapter V.
5. Any employee found to use illegal drugs through urinalysis drug testing will be subject to discipline except in the case of Safe Harbor. In the case of Safe Harbor, an employee will be insulated from discipline if he/she identifies him/herself as a user of illegal drugs before being identified by any other means and agrees to counseling and rehabilitation, follow-up testing, to refrain from further drug use and the release of certain Civilian Employees Assistance Program records. Safe Harbor may only be used one time. Detailed procedures are contained in enclosure (2), Chapter II.
6. All urine samples will be tested by the Navy Drug Screening Laboratory, Great Lakes, Michigan. All results will be provided to a Medical Review Official (*MRO*) for review prior to further release. The MRO will initiate a medical review of positive test results to determine if the positive result is evidence of illegal drug use. Detailed procedures are contained in enclosure (2), Chapter IV.

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7. All DON civilians are provided a 60-day general notice of the DFWP. Employees in TDPs will receive a 30-day individual notice prior to being subject to random testing. Vacancy announcements will also contain information to applicants concerning drug testing when the position is a TDP.

Enclosure (2) is a copy of OPNAVINST 5355.4. Copies are available from Directives Control (N0021).